

BANGOR TOWNSHIP ORDINANCE NO. 10
PUBLIC HEALTH AND SAFETY ORDINANCE

ADOPTED:

EFFECTIVE:

An ordinance to protect the health, safety and general welfare of the residents, property owners, and people within the Township of Bangor, Van Buren County, Michigan, by establishing minimum maintenance standards for all structures and premises; by requiring the licensing of and regulating the operation of junk-salvage yards and related or similar types of uses, businesses and activities within Bangor Township; by regulating garage and yard sales; by regulating trailer coaches, mobile homes, and relocatable homes; and, to prescribe rules and regulations to govern the operation of such uses, businesses and activities; to provide administration and enforcement of such rules and regulations; to provide penalties for the violation of such rules and regulations; and to repeal all conflicting ordinances or parts of ordinances.

THE TOWNSHIP OF BANGOR,
VAN BUREN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Bangor Township Public Health and Safety Ordinance.

SECTION II

1981 BOCA BASIC PROPERTY MAINTENANCE CODE

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

SECTION PM-100.0 GENERAL

PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of BANGOR TOWNSHIP hereinafter referred to as the property maintenance code or "this code."

PM-100.2 Scope: This code is to protect the public health, safety and welfare in all existing structures, residential and non-residential, and on all existing premises as hereinafter provided, by:

1. Establishing minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises now in existence;
2. Fixing the responsibilities of owners, operators and occupants of all structures, and;
3. Providing for administration, enforcement and penalties.

PM-100.3 Intent: This code shall be construed liberally and justly to insure public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

PM-100.4 Other regulations: The provisions in this code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

PM-100.5 Application of building code: Any repairs or alterations to a structure, or changes of use herein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the building code.

PM-100.6 Existing remedies: The provisions in this code shall not be deemed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, and unsanitary.

SECTION PM-101.0 VALIDITY

PM-101.1 Validity: If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

PM-101.2 Saving clause: This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION PM-102.0 EXISTING STRUCTURES

PM-102.1 Existing structures: As provided in Section PM-100.0, this code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment or facilities.

SECTION PM-103.0 ENFORCEMENT AUTHORITY

PM-103.1 Officer: It shall be the duty and responsibility of the code official to enforce the provisions of this code as herein provided.

PM-103.2 Relief from personal liability: Any code official, officer or employee who acts in good faith and without malice in the discharge of duties of enforcement of this code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, the code official shall not be held liable for any costs in any action, suit or proceeding that may be instituted by the code official in the enforcement of this code. In any of these actions, the official or employee shall be defended or represented by the jurisdiction's attorney-at-law until the final termination of the proceedings.

PM-103.3 Official records: An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and under reasonable regulations established by the code official to maintain the integrity and security of such records.

SECTION PM-104.0 DUTIES AND POWERS OF CODE OFFICIAL

PM-104.1 General: The code official shall enforce all the provisions of this code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

PM-104.2 Notices and orders: The code official shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance

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with the code requirements for the safety, health, and general welfare of the public.

PM-104.3 Inspections: In order to safeguard the safety, health and welfare of the public, the code official is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing duties under this code.

PM-104.3.1 Right of entry: If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

PM-104.3.2 Access by owner or operator: Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.

PM-104.4 Credentials: The code official or the code official's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this code.

PM-104.5 Coordination of enforcement: Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of code officials so charged by the jurisdiction. Whenever, in the opinion of a code official initiating an inspection under this code, it is deemed necessary or desirable to have inspections by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders which it determines must be issued.

PM-104.6 Rule making authority: The code official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire protection requirements specifically provided in this code or violating accepted engineering practice involving public safety.

PM-104.7 Annual report: At least annually, the code official shall submit to the chief authority of the jurisdiction a written statement of operations in the form and content as shall be prescribed by such authority.

SECTION PM-105.0 CONDEMNATION

PM-105.1 General: When a structure or part thereof is found by the code official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this code and may be placarded and vacated. It shall not be re-occupied without approval of the code official. Unsafe equipment shall be placarded and placed out of service.

PM-105.1.1 Unsafe structure: An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

PM-105.1.2 Unsafe equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

PM-105.1.3 Structure unfit for human occupancy: A structure is unfit for human occupancy or use whenever the code official finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because its location constitutes a hazard to its occupants or to the public.

PM-105.1.4 Unlawful structure: An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

PM-105.2 Closing of vacant structures: If the structure or part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, the code official may post a placard of condemnation on the premises and may order the structure closed up so it will not be an attractive nuisance to youngsters. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause it to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

SECTION PM-106.0 NOTICES AND ORDERS

PM-106.1 Notice to owner or to person or persons responsible: Whenever the code official determines that there has been a violation of this code or has

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reasonable grounds to believe that a violation has occurred, or whenever the code official has condemned any structure or equipment under the provisions of Section PM-105.0, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed below. If the code official has condemned the property or part thereof, the code official shall give notice to the owner and to the occupants of the intent to placard and to vacate the property or to order equipment out of service.

PM-106.2 Form: Such notice prescribed in Section PM-106.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why it is being issued;
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code, and;
5. Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to an appeals board or appropriate review board.

PM-106.3 Service: Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, and at least one publication of such notice in a local newspaper of general circulation.

PM-106.3.1 Service on occupant: When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after noncompliance shall be stated. Owners or persons responsible for compliance must vacate at the time set for correction of defects if there is failure of compliance.

PM-106.4 Penalties: Penalties for non-compliance of orders and notices shall be subject to the penalties set forth in Section VII

PM-106.5 Transfer of ownership: It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility

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without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION PM-107.0 PLACARDING

PM-107.1 Placarding of structure: After the condemnation notice required under the provisions of this code has resulted in an order by virtue of failure to comply within the time given, the code official may post on the premises or structure or parts thereof, or on defective equipment, a placard bearing the words: *Condemned as unfit for human occupancy or use*, and a statement of the penalties provided for any occupancy or use or for removing the placard. The owner or the person or persons responsible for the correction of violations shall have removed themselves from the property on failure to comply with the correction order in the time specified, but other occupants shall be given a reasonable time thereafter to vacate.

PM-107.2 Prohibited use: Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this code.

PM-107.3 Removal of placard: The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

SECTION PM-108.0 EMERGENCY ORDERS

PM-108.1 General: Whenever a code official finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or that of the occupants thereof, the code official may, with proper notice and service in accordance with the provisions of Section PM-106.0, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the code official deems necessary to meet such emergency. Notwithstanding other provisions of this code, such order shall be effective immediately, and the premises or equipment involved shall be placarded immediately upon service of the order.

PM-108.2 Hearing: Any person to whom such order is directed shall comply therewith. They may thereafter, upon petition directed to the appeals board, be afforded a hearing as prescribed in this code. Depending upon the findings of the board at such hearing as to whether the provisions of this code and the rules and regulations adopted pursuant thereto have been complied with, the board shall continue such order or modify or revoke it.

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SECTION PM-109.0 VIOLATIONS

PM-109.1 Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.

PM-109.2 Penalty: Section VII

PM-109.3 Prosecution: In case any violation order is not promptly complied with, the code official may request the jurisdiction's legal representative to institute an appropriate action, or proceeding at law to exact the penalty provided in Section VII. Also, the code official may ask the legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, or alteration of such structure;
3. To require the removal of work in violation, or;
4. To prevent the occupation or use of the structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

SECTION PM-110.0 RIGHT TO APPEAL

PM-110.1 Petition: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written petition requesting such hearing and containing a statement of the grounds therefore within 20 days after the day the notice was served.

PM-110.2 Appeals board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a property maintenance code appeals board, hereafter referred to as the board, consisting of five members who shall be appointed by the chief executive of the jurisdiction.

PM-110.2.1 Membership: Said board shall consist of five residents and electors of the jurisdiction appointed by the chief executive including one

person skilled in real estate and property management for at least two years; one general contractor for at least three years; one registered architect or other professional person for at least three years; one citizen who is a renter for at least two years; and one citizen who is a homeowner for at least two years. The chief executive shall also appoint one member to act as chairman, who will serve one year.

Each member shall have been a resident of the jurisdiction for at least one year prior to appointment. The renter member and the homeowner member will be asked to resign if their status as renter or homeowner is changed. The chief executive may appoint for a term of one year an alternate member of such board in addition to the five members above provided for, who shall act with full power only when a member of the board refuses to vote because of interest or when a member is absent. Thereafter, all appointments shall be for a period of two years. Each member shall serve until a successor has been appointed. The code official shall appoint one member of the department who shall act as secretary to the board.

PM-110.2.2 Vote: The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

PM-110.2.3 Financial interest: A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

PM-110.3 Records: The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

SECTION PM-111.0 DEMOLITION

PM-111.1 General: The code official may order the owner of premises upon which is located any structure or part thereof, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, to raze and remove such structure or part thereof; or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

PM-111.2 Unreasonable repairs: Whenever the code official determines that the cost of such repairs would exceed 100 percent of the current value of such

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structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a public nuisance which may be ordered razed without option on the part of the owner to repair.

PM-111.3 Order: The order shall specify a time in which the owner shall comply therewith and specify repairs, if any. It shall be served on the owner of record or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a court of record. If the owner or a holder of an encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for three successive weeks in a newspaper authorized to provide service by publication.

PM-111.4 Restraining actions: Anyone affected by any such order shall within (45) days after service of such order apply to a court of record for an order restraining the code official from razing and removing such structure or parts thereof. The court shall determine whether the order of the code official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

PM-111.5 Failure to comply: Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the code official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

PM-111.6 Salvage materials: When any structure has been ordered razed and removed the governing body or other designated officer under said contract or arrangement aforesaid may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the use of the person who may be entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

ARTICLE 2

DEFINITIONS

SECTION PM-200.0 GENERAL

PM-200.1 Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this article.

PM-200.2 Interchangeability: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

PM-200.3 Terms defined in other codes: Where terms are not defined in this code and are defined in the building, plumbing and/or mechanical codes, they shall have the same meanings ascribed to them as in those codes.

PM-200.4 Terms not defined: Where terms are not defined under the provisions of this code or under the provisions of the building, plumbing and/or mechanical codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

SECTION PM-201.0 APPLIED MEANING OF WORDS AND TERMS

Approved: Approved, as applied to a material, device, or method of construction, shall mean approved by the code official under the provisions of this code, or approved by other authority designated by law to give approval in the matter in question.

Basement: That portion of a building which is partly below and partly above grade, and having at least one-half its height above grade (see "Cellar").

Building code: The building code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designated by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

Building official: The official designated by the jurisdiction to enforce building, zoning or similar laws, or a duly authorized representative.

Cellar: That portion of a building which is partly or completely below grade, and having at least one-half its height below grade (see "Basement").

Central heating: The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

Code official: The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Condemn: To adjudge unfit for use or occupancy.

Condemnation: The act of judicially condemning.

Dwellings: *

One-family dwelling: A building containing one dwelling unit with not more than five lodgers or boarders.*

Two-family dwelling: A building containing two dwelling units with not more than five lodgers or boarders per family.*

Multi-family apartment house: A building or portion thereof containing more than two dwelling units and not classified as a one- or two-family dwelling.*

Boarding house, lodging house and tourist house: A building arranged or used for the lodging, with or without meals, for compensation, by more than five and not more than 20 individuals.*

Dormitory: A space in a building where group sleeping accommodations are provided for persons not members of the same family group in one room, or in a series of closely associated rooms.

Hotel: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.*

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enforcement officer: The official designated herein or otherwise charged with the responsibilities of administering this code, or the official's authorized representative.

Exterior property areas: The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

* Whenever the words "multi-family dwelling," "residence building," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

DEFINITIONS

Family: An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated (excluding servants) persons, living together as a single housekeeping unit in a dwelling unit.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hotel: See "Dwellings."

Infestation: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Junk vehicle: Any vehicle which is without a currently valid license plate or plates and is in either a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A junk vehicle shall be classified as to its condition in one of the two following categories:

1. **Restorable:** A junk vehicle that is in a condition whereby repairs to same could be made to place it in operating condition without exceeding the estimated value when repaired.
2. **Wreck:** A junk vehicle in such condition that it is economically unsound to restore same to operating condition considering the repairs to be made, age of the vehicle, market value of the vehicle if it were restored or in such condition that the public officer determines that it warrants such classification.

The code official shall make the final determination as to the classification to be assigned to any one particular vehicle.

Let for occupancy or let: To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or licensee, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Maintenance: Conformance of a building and its facilities to the code under which the building was constructed.

Motel: A hotel as defined in this code.

Multi-family (multiple) dwellings: See "Dwellings."

Occupant: Any person over one year of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Openable area: That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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Operator: Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

Owner: Any person, agent, firm, or corporation having a legal or equitable interest in the property.

Person: Includes a corporation or co-partnership as well as an individual.

Plumbing: The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances, and appurtenances within the scope of the plumbing code.

Plumbing fixture: A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

Premises: A lot, plot or parcel of land including the buildings or structures thereon.*

Public nuisance: Includes the following:

1. The physical condition, or use of any premises regarded as a public nuisance at common law; or
2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
3. Any premises which have unsanitary sewerage or plumbing facilities; or
4. Any premises designated as unsafe for human habitation or use; or
5. Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or unsecure as to endanger life, limb or property; or
6. Any premises from which the plumbing, heating and/or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or
7. Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or
8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

Renovation: A building and its facilities made to conform to present day minimum standards of sanitation, fire and life safety.

* Whenever the words "multi-family dwelling," "residence building," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this code, they shall be construed as though they were followed by the words, "or any part thereof."

DEFINITIONS

Residence building: A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the building code.

Rooming house: Any residence building, or any part thereof, containing one or more rooming units, in which space is let by the owner or operator to more than five persons who are not members of the family (see "Dwellings, boarding house").

Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish: Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Structure: That which is built or constructed, including without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Supplied: Installed, furnished or provided by the owner or operator.

Ventilation: The process of supplying and removing air by natural or mechanical means to or from any space.

Mechanical: Ventilation by power-driven devices.

Natural: Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

Workmanlike: Whenever the words "workmanlike state of maintenance and repair" are used in this code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Yard: An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

ARTICLE 3

ENVIRONMENTAL REQUIREMENTS

SECTION PM-300.0 GENERAL

PM-300.1 Scope: The provisions of this article shall govern the minimum conditions for maintenance of exterior property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

PM-300.2 Responsibility: The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use premises which do not comply with the following requirements of this article.

PM-300.3 Vacant structures and land: All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION PM-301.0 PREMISES CONDITIONS

PM-301.1 Sanitation: All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage.

PM-301.1.1 Containers: The operator of every establishment producing garbage, vegetable wastes, or other putrescible materials shall provide, and at all times cause to be used, leakproof approved containers, provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

PM-301.2 Grading and drainage: All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

PM-301.3 Loading areas: All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in

good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.

PM-301.4 Insect and rat control: An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

PM-301.5 Public areas: All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free of all snow, ice, mud and other debris. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.

PM-301.6 Noxious weeds: All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare.

PM-301.7 Storage areas: All open salvage yards and open storage areas shall be completely obscured from surrounding property by a solid screen not less than 6 feet (1.83m) in height.

PM-301.8 Exhaust vents: A person shall not construct, maintain, or operate pipes, ducts, conductors, fans, or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

PM-301.9 Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in compliance with Sections PM-302.0 and PM-303.0 of this code.

PM-301.10 Motor vehicles: Motor vehicles shall be subject to the following requirements of Section PM-301.10.1; EXCEPTED from this ordinance are: Farm machinery, equipment, implements and items located in a licensed junk and salvage yard,

PM-301.10.1 Not more than three (3) currently unregistered and/or uninspected motor vehicles shall be parked on any property and said vehicle(s) shall not at any time be in a state of major disassembly, disrepair or shall it be in the process of being stripped or dismantled.

PM-301.11 OPEN FIRES: Open fires shall be prohibited except as specifically approved by the fire official.

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SECTION PM-302.0 EXTERIOR STRUCTURE

PM-302.1 General: The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

PM-302.2 Structural members: All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.

PM-302.3 Exterior surfaces (foundations, walls and roof): Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rats.

PM-302.3.1 Foundation walls: All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks, so as not to be detrimental to public safety and welfare.

PM-302.3.2 Exterior walls: Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition, or metal siding, shall be maintained weatherproof and shall be properly surface coated when required to prevent deterioration.

PM-302.3.3 Roofs: The roof shall be structurally sound, tight, and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

PM-302.3.4 Decorative features: All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

PM-302.3.5 Signs, marquees, and awnings: All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective treatment.

PM-302.3.6 Chimneys: All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or similar surface treatment.

PM-302.3.7 Stairs and porches: Every stair, porch, balcony, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.

PM-302.4 Window and door frames: Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

PM-302.4.1 Weathertight: Every window and exterior door shall be fitted reasonably in its frame and be weathertight. Weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and shall be kept in sound condition and good repair.

PM-302.4.2 Glazing: Every required window sash shall be fully supplied with approved glazing materials which are without open cracks and holes.

PM-302.4.3 Openable windows: Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.

PM-302.4.4 Insect screens: Every door and window or other outside opening used for ventilation purposes shall be supplied with approved screening, and every swinging screen door shall have a self-closing device in good working condition, except that such screens shall not be required for areas on a floor above the fifth floor and screen doors shall not be required on non-residential structures or structures where the doors are required to swing out as required in the building code.

PM-302.4.5 Door hardware: Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door.

PM-302.4.6 Basement hatchways: Every basement or cellar hatchway shall be so constructed and maintained as to prevent the entrance of rats, rain, and surface drainage water into the structure.

PM-302.4.7 Guards for basement windows: Every basement or cellar window which is openable shall be supplied with rat-proof shields, or storm windows or other material affording protection against the entry of rats.

SECTION PM-303.0 INTERIOR STRUCTURE

PM-303.1 General: The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants, and to protect the occupants from the environment.

PM-303.2 Structural members: The supporting structural members of every building shall be maintained structurally sound, not showing any evidence of deterioration which would render them incapable of carrying the imposed loads.

In every existing building used for business, industrial, mercantile or storage occupancy, in which heavy loads or concentrations occur or in which machinery is introduced, the owner or occupant shall cause the weight that each floor will safely sustain to be calculated by a registered architect or

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engineer and filed with the building official, and after such acceptance by the building official, posted on each floor in a conspicuous place.

PM-303.3 Interior surfaces: Floors, walls, including windows and doors, ceilings, and other interior surfaces shall be maintained in good, clean, and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be eliminated.

PM-303.3.1 Lead based paint: Lead based paint with a lead content of more than 0.5 percent shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of 0.5 percent lead shall be removed or covered with paneling or other suitable covering approved by the code official.

PM-303.3.2 Bathroom and kitchen floors: Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

PM-303.4 Free from dampness: In every building, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure.

PM-303.5 Sanitation: The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under Section PM-801.0.

PM-303.5.1 Storage: Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways.

PM-303.6 Insect and rat harborage: All structures shall be kept free from insect and rat infestation, and where insect or rats are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

PM-303.7 Exit doors: Every door available as an exit shall be capable of being opened easily from the inside and without the use of a key.

PM-303.8 Stairs, porches and railings: Stairs and other exit facilities shall be adequate for safety as provided in the building code.

PM-303.8.1 Exit facilities: All interior stairs and railings and other exit facilities of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting the anticipated loads.

PM-303.8.2 Handrails: Every flight of stairs, which is more than three risers high, shall have handrails which shall be located as required by the building code, and every open portion of a stair, porch, landing and balcony which is more than 30 inches (76.20 cm) above the floor or grade below shall have guardrails. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

ARTICLE 4

LIGHT, VENTILATION AND SPACE REQUIREMENTS

SECTION PM-400.0 GENERAL

PM-400.1 Scope: The provisions of this article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

PM-400.2 Responsibility: The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this article.

PM-400.3 Access to public property: All structures shall be provided access to public property. Such access means shall be maintained unobstructed.

PM-400.4 Open space: An open space when used for the origin of light and ventilation shall be maintained and unobstructed.

PM-400.5 Alternative devices: In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the building code.

SECTION PM-401.0 LIGHT

PM-401.1 General: All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

PM-401.2 Habitable rooms: Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the

building code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (0.91 m) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

PM-401.3 Common halls and stairways: Every common hall and stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least a 60 watt light bulb. Such illumination shall be provided throughout the normally traveled stairs and passageways.

PM-401.4 Other spaces: All other spaces shall be provided with natural or artificial light of sufficient intensity and so distributed as to permit the maintenance of sanitary conditions, and the safe use of the space and the appliances, equipment and fixtures.

SECTION PM-402.0 VENTILATION

PM-402.1 General: All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any structure or portion thereof.

PM-402.2 Habitable rooms: Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every room shall be equal to at least 45 percent of the minimum window area size required in Section PM-401.2.

PM-402.3 Toilet rooms: Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by Section PM-401.2 except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system.

PM-402.4 Cooking facilities: Cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

PM-402.5 Process ventilation: Where any process permits and where injurious, toxic, irritating or noxious fumes, gases, dusts, or mists are generated by said process, a local exhaust ventilation shall be provided to remove the contaminating agent at the source so that it is not allowed to permeate the general atmosphere of the workroom.

SECTION PM-403.0 DWELLING UNIT LIMITATIONS

PM-403.1 Separation of units: Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access

LIGHT, VENTILATION AND SPACE REQUIREMENTS

to other sleeping rooms or habitable spaces.

PM-403.1.1 Privacy: Hotel units, lodging units, and dormitory units shall be designed to provide privacy, and be separate from other adjoining spaces.

PM-403.2 Common access: A habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall not open directly into or be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

PM-403.3 Basement rooms: Basement rooms partially below grade shall not be used for living purposes unless:

1. Floors and walls are watertight and so insulated as to prevent entry of moisture;
2. Total window area, total openable area and ceiling height are in accordance with this code, and;
3. Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

SECTION PM-404.0 SPACE REQUIREMENTS

PM-404.1 Dwelling units: Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet (13.95 m²) for the first occupant, and 100 square feet (9.30 m²) for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

PM-404.2 Area for sleeping purposes: Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet (6.51 m²) of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet (4.65 m²) of floor area for each occupant thereof.

PM-404.3 Overcrowding: If any room used for residential purposes is overcrowded, the code official may order the number of persons sleeping or living

Table PM-404.3
MINIMUM OCCUPANCY AREA REQUIREMENTS

Space	Minimum occupancy area in square feet (square meters)		
	1-2 occupants	3-5 occupants	6 or more
Living room ^a	No requirements	120 (11.16)	150 (13.95)
Dining room ^a	No requirements	80 (7.44)	100 (9.30)
Kitchen	50 (4.65)	50 (4.65)	60 (5.58)
Bedrooms ^b	Must comply with Section PM-404.2		

Note a. Combined living room-dining room spaces will be construed as meeting the requirements of this table if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room-dining room.

Note b. Every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

Every room used as a bedroom shall have access to at least one water closet located on the same floor as the bedroom, except that this requirement shall not apply to the only bedroom on a floor.

in said room to be reduced so that there shall be not less than the total area required in Table PM-404.3.

PM-404.4 Prohibited use: It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space, or public space.

PM-404.5 Minimum ceiling heights: Habitable rooms shall have a clear ceiling height over the minimum area required by this code at not less than 7 $\frac{1}{3}$ feet (2.23 m), except that in attics or top half-stories the ceiling height shall be not less than 7 feet (2.13 m) over not less than one-third of the minimum area required by this code when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of 5 feet (1.52 m) or more may be included.

PM-404.6 Correctional institutional occupancies: It is not intended that this code regulate the space requirements of correctional institutions.

ARTICLE 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-500.0 GENERAL

PM-500.1 Scope: The provisions of this article shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.

PM-500.2 Responsibility: The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premises which does not comply with the following requirements of this article.

SECTION PM-501.0 REQUIRED FACILITIES

PM-501.1 Dwelling units: Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The following minimum plumbing facilities set forth in Sections PM-501.1.1 through PM-501.1.3 shall be supplied and maintained in sanitary, safe working condition.

PM-501.1.1 Water closet and lavatory: Every dwelling unit shall contain within its walls, a room separate from habitable rooms, which affords privacy and a water closet supplied with cold running water. The lavatory may be placed in the same room as the water closet, or, if located in another room, the lavatory shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

PM-501.1.2 Bathtub or shower: Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.

PM-501.1.3 Kitchen sink: Every dwelling unit shall contain a kitchen sink apart from the lavatory required under Section PM-501.1.1 and be supplied with hot and cold running water.

PM-501.2 Rooming houses: At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

PM-501.3 Hotels: Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub accessible from a public hallway shall be provided on each floor. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

PM-501.4 Other structures: In non-residential structures the requirements for sanitary facilities shall comply with the minimum requirements of the plumbing code for such facilities for such use and occupancy.

SECTION PM-502.0 TOILET ROOMS

PM-502.1 Privacy: Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

PM-502.2 Direct access: Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior. A toilet room or bathroom in a dwelling unit shall be accessible from any sleeping room without passing through another sleeping room.

PM-502.3 Same story: Toilet rooms and bathrooms serving hotel units, lodging units, or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

PM-502.4 Employee facilities: Toilet rooms for employees shall be readily accessible to such employees, and shall not open directly into any public kitchen or other public space used for the cooking or preparation of food.

PM-502.5 Floors: Bathrooms and toilet rooms shall be provided with floors of moisture resistant material.

PM-502.6 Partitions: Every non-residential structure that requires or supplies a water closet shall provide within the toilet room partitions, enclosures or compartments for privacy and shall comply with fixture clearance requirements of the plumbing code for such installations.

SECTION PM-503.0 PLUMBING FIXTURES

PM-503.1 General: All plumbing fixtures shall be maintained in a safe and useable condition. All plumbing fixtures shall be of approved non-absorbent material.

PM-503.2 Connections: Water supply lines, plumbing fixtures, vents and drains shall be properly installed, connected and maintained in working order and shall be kept free from obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installa-

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

tions shall be made in accordance with the provisions of the building code or plumbing code.

PM-503.3 Maintained clean and sanitary: All plumbing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rats or produce dangerous or offensive gases or odors.

PM-503.4 Access for cleaning: Plumbing fixtures shall be installed as to permit easy access for cleaning both the fixture and the area about it.

PM-503.5 Water conservation: Plumbing fixtures which are replaced shall be of water saving construction and use as may be required by local energy and plumbing codes.

SECTION PM-504.0 WATER SYSTEM

PM-504.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

PM-504.2 Contamination: The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the overflow rim of the fixture.

PM-504.3 Supply: The water supply systems shall be installed and maintained to provide at all times a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable them to function satisfactorily.

PM-504.4 Water heating facilities: Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units, at a temperature of not less than 110 degrees F. (43.33 degrees C).

SECTION PM-505.0 SEWAGE SYSTEM

PM-505.1 General: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

PM-505.2 Maintenance: Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the building code or plumbing code.

SECTION PM-506.0 STORM DRAINAGE

PM-506.1 General: An approved system of storm water disposal shall be provided and maintained for the safe and efficient drainage of roofs and paved areas, yards and courts, and other open areas on the premises.

ARTICLE 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-600.0 GENERAL

PM-600.1 Scope: The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

PM-600.2 Responsibility: The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this article.

SECTION PM-601.0 HEATING FACILITIES

PM-601.1 Residential buildings: Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18.33 degrees C), at a point 3 feet (0.91 m) above the floor and 3 feet (0.91 m) from an exterior wall in all habitable rooms, bathrooms and toilet rooms.

PM-601.2 Other structures: In all other structures where heating facilities are supplied or available for use, they shall be capable of adequately and safely heating areas of the structure to a reasonable temperature for work conditions.

PM-601.3 Cooking and heating equipment: All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions, and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the provisions of the building code, or other laws or ordinances applicable thereto. Portable cooking equipment employing flame is prohibited, except for approved residential type food trays or salvers which are heated by a candle or alcohol lamp.

PM-601.4 Installation: All mechanical equipment shall be properly installed and safely maintained in good working condition, and be capable of performing the function for which it was designed and intended.

PM-601.4.1 Flue: All fuel-burning equipment shall be connected to an approved chimney, flue or vent.

PM-601.4.2 Clearances: All required clearances to combustible materials shall be maintained.

PM-601.4.3 Safety controls: All safety controls for fuel-burning equipment shall be maintained in effective operation.

PM-601.4.4 Combustion air: A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided the fuel-burning equipment.

PM-601.5 Fireplaces: Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe and connected to approved chimneys.

PM-601.6 Climate control: When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures used as dwelling units or other occupancies, such facilities shall be maintained and operated in a continuous manner in accordance with the designed capacity.

SECTION PM-602.0 ELECTRICAL FACILITIES

PM-602.1 Outlets required: Where there is electric service available to a structure, every habitable room of a dwelling unit, and every guest room, shall contain at least two separate and remote outlets, one of which may be a ceiling or wall type electric light fixture. In a kitchen, three separate and remote wall type electric convenience outlets or two such convenience outlets and one ceiling or wall type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

PM-602.2 Installation: All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

PM-602.3 Defective system: Where it is found, in the opinion of the code official, that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION PM-603.0 ELEVATORS, ESCALATORS AND DUMBWAITERS

PM-603.1 General: Elevators, dumbwaiters, and escalators shall be maintained to safely sustain the loads to which they are subject, to operate properly, and to be free of physical and fire hazards.

ARTICLE 7

FIRE SAFETY REQUIREMENTS

SECTION PM-700.0 GENERAL

PM-700.1 Scope: The provisions of this article shall govern the minimum fire safety facilities and equipment to be provided. All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

PM-700.2 Responsibility: The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the fire prevention code. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of this article.

SECTION PM-701.0 MEANS OF EGRESS

PM-701.1 General: A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open area at grade.

PM-701.2 Direct exit: Every dwelling unit or guest room shall have access directly to the outside or to a public corridor.

PM-701.3 Locked doors: All doors in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from dwelling units, hotel units, lodging units, and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

PM-701.4 Fire escapes: All required fire escapes shall be maintained in working condition and structurally sound.

PM-701.5 Exit signs: All exit signs shall be maintained illuminated and visible.

SECTION PM-702.0 ACCUMULATIONS AND STORAGE

PM-702.1 Accumulations: Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

PM-702.2 Flammable matter: Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes, and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.

PM-702.3 Residential unit: A dwelling unit or rooming unit shall not be located within a structure containing an establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees F. (43.33 degrees C) or lower, except as provided for in the building code.

PM-702.4 Non-residential structures: Non-residential structures shall be permitted to store combustible or flammable materials provided they are confined to approved storage areas and comply with applicable requirements of the building and fire codes for the appropriate use group classification.

SECTION PM-703.0 FIRE RESISTANCE RATINGS

PM-703.1 General: Floors, walls, ceilings, and other elements and components required to develop a fire resistance rating shall be maintained so that the respective fire resistance rating of the enclosure, separation, or construction is preserved.

SECTION PM-704.0 FIRE PROTECTION SYSTEMS

PM-704.1 General: All fire protection systems and equipment shall be maintained in proper operating condition at all times.

PM-704.2 Fire alarms: Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

PM-704.3 Fire suppression system: Fire suppression systems shall be maintained in good condition, free from mechanical injury. Sprinkler heads shall be maintained clean, free of corrosion and paint, and not bent or damaged.

PM-704.4 Standpipe systems: Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

PM-704.5 Fire extinguishers: All portable fire extinguishers shall be visible and accessible, and maintained in an efficient and safe operating condition.

ARTICLE 8

RESPONSIBILITIES OF PERSONS

SECTION PM-800.0 GENERAL

PM-800.1 Scope: The provisions of this article shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof.

SECTION PM-801.0 SANITARY CONDITION

PM-801.1 Cleanliness: Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling containing two or more dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

PM-801.2 Disposal of rubbish: Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in rubbish containers equipped with tight fitting covers as required by this code.

PM-801.3 Disposal of garbage: Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight garbage storage containers as required by this code, or by such other disposal method as may be required by applicable laws or ordinances.

PM-801.4 Garbage storage facilities: Every dwelling unit shall be supplied with an approved garbage disposal facility, which may be any adequate mechanical garbage disposal unit (mechanical sink grinder), in each dwelling unit or an incinerator unit, to be approved by the building official, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can or cans as required in Section PM-301.1.1. Such facilities shall be sufficient to meet the needs of the occupants.

PM-801.5 Rubbish storage facilities: Every dwelling unit shall be supplied with approved containers and covers for storage of rubbish, and the owner, operator or agent in control of such dwelling shall be responsible for the removal of such rubbish.

PM-801.6 Food preparation: All spaces used or intended to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage when necessary.

PM-801.7 Supplied fixtures and equipment: The owner or occupant of a structure or part thereof shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

PM-801.8 Furnished by occupant: The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

PM-801.9 Caretaker: In every multiple dwelling in which the owner does not reside there shall be a responsible person, designated by the owner, residing on the premises, whose duties include maintaining the commonly used parts of the premises.

SECTION PM-802.0 EXTERMINATION

PM-802.1 Owner: The owner of any structure shall be responsible for extermination within the structure prior to renting, leasing or selling the structure.

PM-802.2 Tenant-occupant: The tenant-occupant of any structure shall be responsible for the continued rat-proof condition of the structure, and if the tenant-occupant fails to maintain the rat-proof condition, the cost of extermination shall be the responsibility of the tenant-occupant.

PM-802.3 Single occupancy: The occupant of a structure containing a single dwelling unit or of a single non-residential structure shall be responsible for the extermination of any insects, rats or other pests in the structure or on the premises.

PM-802.4 Multiple occupancy: Every owner, agent or operator of two or more dwelling units or multiple occupancies, or non-residential structures and rooming houses, shall be responsible for the extermination of any insects, rats or other pests in the public or shared areas of the structure and premises. When infestation is caused by failure of an occupant of a unit of the two or more dwelling units or by an occupant or leasee of a non-residential structure to prevent such infestation in the area occupied, the occupant shall be responsible for such extermination.

PM-802.5 Continued rat infestation: Continuing or repeated incidents of rat infestation determined from the official records as provided in Section PM-103.3 of this code shall require the installation of rat and vermin proof walls. The rat and vermin proof walls shall be installed in accordance with the building code.

SECTION III

JUNK-SALVAGE YARD ORDINANCE

1. PURPOSE:

The purpose of this Section is to protect the health, safety and general welfare of the residents, property owners, and people within the Township of Bangor, Van Buren County, Michigan, by requiring the licensing of and regulating the operation of junk-salvage yards and related or similar types of uses, businesses and activities within Bangor Township; to prescribe rules and regulations to govern the operation of such uses, business and activities; to provide penalties for the violation of such rules and regulations; and to make the same supersede all ordinances or parts of ordinances in conflict herewith.

2. DEFINITION:

Unless it appears in the context that a different meaning is intended, for purposes of this ordinance the following terms shall mean as follows:

A. "Person" shall mean and include any person, firm, association, partnership, corporation, or other entity of whatever nature.

B. "Junk-salvage yard" shall include any lot, field, enclosure, place or building used for the collecting, buying, storing, selling, salvaging, disposing, dismantling, wrecking, sorting, processing, fabricating, repairing or reforming of automobiles, vehicles, trailers, or parts thereof, or scrap, waste or damaged iron, steel, copper, brass, zinc, tin, lead, rope,

rubber, rags, paper, glass, or any other scrap or waste material of any kind (for commercial-business purposes); and shall also include any premises upon which four (4) or more inoperable, unlicensed, or partially or wholly dismantled automobiles, vehicles or trailers are parked, stored or otherwise disposed of outside of a wholly enclosed structure, (whether or not for commercial-business purposes.) The foregoing shall not include licensed automobile service or repair garages, licensed used car businesses operating in the Township at the time of adoption of this ordinance or equipment and machinery used in agricultural operations and activities.

3. PERMIT REQUIREMENT:

No person shall own, maintain or operate within Bangor Township a junk-salvage yard or related or similar type of use, business or activity until an annual permit therefor has first been obtained from the Township as herein provided.

4. PERMIT APPLICATION AND ISSUANCE PROCEDURES:

A. The application for a junk-salvage yard permit shall be made to the Township Clerk by the owner of the property at issue, or his/her authorized agent, in writing and on a form prescribed by the Township, and accompanied by an annual permit fee of \$25.00 or pro rata portion thereof for the first year, which shall be returned to the applicant if the permit is not issued. The permit fee shall be for the purpose of assisting and defraying the cost to the Township of periodic inspections of the junk-salvage yard to insure compliance at all times with the provisions

of this ordinance. The application shall be subscribed and sworn to by the applicant and filed with the Township Clerk, who shall arrange for review and consideration of the application by the Township Board at a regular meeting of the Board or a special meeting of the Board called for that purpose.

B. The Township Board shall not issue a junk-salvage yard permit unless it determines that the rules and regulations set forth in this ordinance and any other applicable Township ordinance have been or will be fully complied with.

C. Every permit issued by the Township shall be on a form prescribed by the Township Board, and shall be signed by the Township Clerk and counter-signed by the Township Supervisor. Junk-salvage yard permits shall not be transferable, and shall expire on the 15th day of January of each year following the issuance thereof. Permits may be renewed upon payment of the \$25.00 annual fee and continued compliance with the ordinance.

5. RULES AND REGULATIONS:

No junk-salvage yard shall be allowed to be operated or maintained within Bangor Township unless it complies at all times with the following rules and regulations:

A. All material located upon the premises shall be stockpiled in a neat and orderly manner or shall be contained within enclosed storage buildings except when being loaded, unloaded, and/or being actively worked upon.

B. All outdoor storage or processing of materials shall be screened from adjoining properties and public highways by a

hedge, fence or other natural or artificial barrier. Such screening shall be constructed and maintained in an attractive manner, shall be at least eight feet high, and shall be of sufficient density and height to accomplish the complete screening of the outdoor operations and storage from view of adjoining properties and public highways.

C. No debris or material shall be burned upon the premises which by reason of excessive smoke or odor is offensive or may tend to be offensive to the surrounding area, except upon prior written approval of the Township Fire Department. No fire shall be allowed to continue unattended or to be lighted in violation of any rule, regulation or law of the State of Michigan, County of Van Buren, or Township of Bangor.

D. Unsalable or unusable material shall not be deposited upon the premises except where the same is so commingled with salable or usable material that it can not easily or conveniently be previously separated off the premises.

E. Off-street parking for customers and employees, sufficient to take care of the greatest number of vehicles which might reasonably be expected to be on the premises at any given time shall be maintained on the premises by the owner or operator. Each parking space shall not be less than 10 feet by 20 feet in size, exclusive of driveways thereto.

F. Such operation shall be equipped with a permanent office building for the transaction of business with customers and suppliers.

G. No dangerous, unhealthy, or hazardous condition shall be allowed to exist upon the premises.

H. Any storage buildings or office buildings located upon the premises shall be constructed according at all applicable Township-County-State building and other construction codes; shall be constructed of standard building materials customarily designed for building construction and shall be fully painted or colored an unobtrusive and subdued color.

I. No buildings, required screening, storage or dismantling activities, or other activities associated with the operations of the junk-salvage yard shall be conducted within 10 feet of the boundary lines of adjacent properties.

J. No buildings, required screening, storage or dismantling activities, or other activities associated with the operations of the junk-salvage yard shall be located within 300 feet of a pre-existing dwelling structure.

K. All buildings and outdoor storage shall also be so located as to minimize any adverse effect of such outdoor storage upon adjoining property owners or occupants and upon the public on adjoining highways without thereby creating undue business hardship.

L. None of the operations of the junk-salvage yard, including any storage or dismantling activities, shall be conducted in a public right-of-way, or in such a manner as to obstruct sidewalks, streets, alleys or right-of-way.

M. The junk-salvage yard shall not operate between the

hours of 10:00 p.m. and 7:00 a.m. The junk-salvage yard shall have at least one qualified adult person on duty supervising operations on the premises during all hours that the junk-salvage yard is open for business.

N. The junk-salvage yard activities shall not create an unreasonable disturbance to adjoining residents by reason of excessive noise or disagreeable odors or fumes.

O. No junk-salvage yard shall be used as a landfill or other dumping ground for waste of any nature.

P. Upon vacating or abandoning a site for junk-salvage yard purposes, all junk, automobiles or parts thereof, and any other scrap or material of whatever nature shall be forthwith removed from the premises and disposed of in a lawful manner.

Q. The Township Board may, for cause shown, grant exceptions to the regulations herein contained where the spirit, intent and purpose of these regulations will still be complied with and an unnecessary or unreasonable hardship would otherwise exist by a strict construction and enforcement of such regulations.

6. SUSPENSION - REVOCATION OF PERMIT:

The Township Board may suspend or revoke any junk-salvage yard permit as a result of any violations of the terms and conditions of said permit or the rules and regulations specified by this ordinance. Such revocation or suspension shall be determined by the Township Board at a meeting of said Board preceded by notice to the holder of the permit of the proposed action and the time, date and place of the meeting at which the matter will be heard. At

such time the holder of the permit shall have an opportunity to present any evidence or arguments on his behalf. The extent of any suspension or revocation of the permit shall be in the discretion of the Township Board, and shall be based upon the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The holder of a junk-salvage yard permit shall be entitled to at least seven days prior notice in writing delivered to the address of the permit of any proposed suspension or revocation, the alleged grounds therefor, and the time, date and place of the meeting concerning same. If the permit is suspended or revoked by the Board, the reasons for same shall be set forth in writing and mailed to the holder of the permit at his permit address within eight days after the Township Board decision concerning same.

SECTION IV

GARAGE, YARD, BASEMENT, AND PRIVATE SALE ORDINANCE

1. DEFINITION:

Garage sales shall include all lawn, porch, attic, yard, barn, rummage or other similar casual sale of tangible personal property by a person which is advertised in any manner to the general public, (hereinafter "Sale").

2. RULES AND REGULATIONS:

A. No sale shall be commenced if the proposed sale would in any manner constitute an unreasonable nuisance to the

neighborhood from noise, traffic, lighting, hours of operation, or the nature of the merchandise offered for sale.

B. No sale shall be held in a manner that endangers life or property and shall be located at least thirty-five (35) feet from the travel portion of any roadway.

C. No sale shall continue for a period of more than four days, and under the following conditions:

1. A sale shall be held in the Township on Thursday, Friday, Saturday and Sunday only;

2. Any attempt to commercialize or to bring rummage/merchandise in from an outside source and offer it for sale shall be deemed to be a public nuisance.

D. No person, association, partnership or corporation shall be allowed more than 20 sale days within any calendar year.

3. STORAGE OF MERCHANDISE:

All merchandise offered for sale shall be stored inside the buildings located upon the premises except during the period of the sale.

SECTION V

MOBILE HOME, PRE-MANUFACTURED DWELLINGS AND TRAILER COACHES

1. PURPOSE:

To protect the safety, health, prosperity, comfort, convenience and welfare of the public, the Township of Bangor, Van Buren County, Michigan.

2. DEFINITION:

A. Mobile Home: a vehicular portable structure built on a chassis and designed to be used, with or without a permanent foundation, as a dwelling when connected to required utilities.

B. Double-Wide: a mobile home which meets the foregoing description and requirements and which consists of two sections designed to be combined at the site to form one mobile home.

3. INSPECTION - INSTALLATION:

A. Each trailer coach, mobile home and pre-manufactured dwelling structure set up in said Township shall;

1. Contain a seal or other proof of inspection as provided in Act 419 of the Michigan Public Acts of 1976 as well as supplemental legislation, that same was manufactured and constructed under standards promulgated by the Federal Department of Housing and Urban Development pursuant to the Federal Manufactured Housing Construction Act of 1974 being 42 U.S.C. 5401 to 5426, as Amended;

2. Be installed pursuant to the manufacturer's recommended set up and installation specifications, or the set up and installation standards promulgated by the Federal Department of Housing and Urban Development pursuant to the aforesaid Federal Act, which set up and installation specification shall, at a minimum, comply with the Michigan Mobile Home Commission Rules as promulgated under the aforesaid Michigan Act.

4. FOUNDATION AND SKIRTING:

All such mobile homes should be set on a permanent foundation or ribbon that meets the frost depth and other requirements of the BOCA Code, with skirting of metal, fiberglass, mortar, brick, cement block, or stone to protect against the dangers of fire and rodents; and meets with requirements of "Part 6 Mobile Homes Code," being part of the Michigan Construction Code promulgated pursuant to Act 230, Public Acts of 1972 as amended; and which is certified and identified in accordance with "Part II Pre-Manufactured Units," also being a part of said Construction Code.

The skirting shall be painted or colored to match or compliment the color of the mobile home and to prevent deterioration. The mobile home owner is to have skirting installed before occupancy.

5. RESPONSIBLE PARTIES:

A. The foregoing requirements and standards of this Section of the ordinance relating to trailer coaches, mobile homes or pre-manufactured dwelling structures shall be applicable to the owner, of the trailer coach, mobile home, or pre-manufactured dwelling structure, to the transporter of same and to the owner of the property where the trailer coach, mobile home or pre-manufactured dwelling is located.

B. Any trailer coach, mobile home and pre-manufactured dwelling structure not meeting the above standards and intended for human occupancy shall be removed from the Township within 45 days of notice from the Township.

C. Any trailer coach, mobile home and pre-manufactured dwelling structure purchased or used for storage purposes shall have the axle assembly removed and the structure shall be placed on a cement slab and secured with proper tie downs.

SECTION VI

ADMINISTRATION

1. ENFORCEMENT OFFICER:

A. Appointment: The Bangor Township Board is hereby authorized, by resolution, at any regular meeting of said Board, to appoint any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said resolution. Said Board may further, by resolution, remove any person from said office, in the discretion of said Board.

B. Definition: The ordinance enforcement duties herein authorized shall include, among others, the following: Investigation of ordinance violations; serving notice of violations; serving appearance tickets as authorized under Chapter 4 of Public Acts of 1927, as amended; appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators, and such other ordinance-enforcing duties as may be delegated by the Township Supervisor or assigned by the township attorney.

C. Duties: The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of Bangor Township, whether heretofore or hereafter enacted, and whether such ordinances

specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is designated in any such ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested by the Township Supervisor by state statute. The ordinance enforcing authority of the Township Supervisor and the other officers, specifically designated in any township ordinance shall continue in full force and effect and shall in no way diminish or impaired by the terms of the within ordinance.

3. WITHHOLDING OF INSURANCE FUNDS ON FIRE OR EXPLOSION DAMAGED STRUCTURES:

P.A. 1980, No. 495, as amended by P.A. 1984, No. 386 is hereby adopted by reference.

A. Authorized Representative: The Township Supervisor shall be the authorized representative to prepare affidavits and all notices pursuant to the Act, including notification to the insurance commission.

B. Establishment of Escrow Account: The Township Treasurer shall establish an escrow account with West Michigan Savings Bank for the purpose of receiving and holding deposits of money received from insurers pursuant to Section 2845 of the Act, which account shall be separately maintained from all other accounts and may be an interest bearing account.

4. COST RECOVERY:

In addition to any penalties, Bangor Township may bring an action for costs of enforcement and prosecution expense upon person(s) that have violated Bangor Township ordinances.

Such action may be a civil action in a court of competent jurisdiction. The action shall be entitled in the name of the municipality and shall be against the person that has allegedly violated the ordinance of the municipality.

Should the municipality receive a Judgment and should the Judgment not be satisfied within 60 days of service upon the defendant. The Township may, upon 30 days written notice, submit a copy of said Judgment to the Township and County Treasurers for said costs to be added to the tax roll of the defendant.

The cost of enforcement and prosecution shall be the actual amount of attorney fees for enforcement of the ordinance. An itemized statement given under oath shall be prima facia evidence of the attorney fees.

SECTION VII

SEVERABILITY, REPEAL, PENALTY/NUISANCE AND EFFECTIVE DATE

1. Severability: Should any section, clause or provision of this ordinance be declared by the courts to be invalid, such declaration shall not affect the validity of the ordinance as a whole, or any part hereof, other than the part so declared to be invalid.
2. REPEAL: All ordinances inconsistent or in conflict herewith are hereby repealed.

3. PENALTIES; NUISANCE:

A. Violation of any provision of this ordinance shall be deemed a misdemeanor punishable upon conviction by fine or not to exceed \$100, imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

B. Any provision of this ordinance in violation of the regulations contained in this ordinance is hereby determined to be detrimental to the health, safety and general welfare of the inhabitants, property owners and persons within Bangor Township, and is deemed a public nuisance. Any such violation shall constitute a basis for injunctive relief against the violator from continuing said violation, in addition to any other relief or penalty herein set forth or allowed by law.

C. Any person who violates any of the provisions contained in this ordinance, whether as owner, lessee, permittee, licensee, agent, servant, or employee, shall be liable as a principal.

4. EFFECTIVE DATE:

This ordinance shall take effect 30 days after publication in a newspaper circulating within the Township of Bangor, Van Buren County, Michigan.

Aug 13, 1991
Date passed by Bangor Township Board

Roger Thomas
Roger Thomas, Township Clerk

CERTIFICATE OF ADOPTION

Adopted by the Township Board of the Township of Bangor, Van Buren County Michigan, this 13th day of August, 1991.

Kenneth Gruetzmacher, Supervisor

Roger Thomas
Roger Thomas, Clerk

I, Roger Thomas, Clerk of the Township of Bangor, Van Buren County, Michigan, do hereby certify that Board Member Jay Efteng, moved the adoption of said Ordinance and that Board Member David Houdak supported said motion.

I further certify that the following Board Members voted for the adoption of said Ordinance: Jay Efteng, David Houdak, Gertrude Umbachowar, Roger Thomas; and that the following Board Members voted against said Ordinance:

I further certify that the foregoing and aforesaid Ordinance was duly published in the South Haven Tribune, a newspaper circulating in said Township of Bangor, Michigan on the 19th day of August, 1991.

Roger Thomas
Roger Thomas, Township Clerk
Bangor Township
Van Buren County, Michigan